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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,682	01/18/2002	Robert Vincent Cox	016295.0745 (DC-03247)	1169
7590	02/02/2006		EXAMINER	
Baker Botts L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995			LE, HIEU C	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 02/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/051,682

Applicant(s)

COX ET AL.

Examiner

Hieu c. Le

Art Unit

2142.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/17/05;1/11/06</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2142

1. The amendment filed 5/17/05 has been entered and made record.
2. Applicant's argument filed 5/17/05 have been fully considered but they are moot in view of new ground rejection.

Claim Rejections - 35 U.S.C. § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 1-21 AC
4. Claims ~~14-21, 1-7, 8-13~~ are rejected under 35 U.S.C. 102(e) as anticipated by Moshir et al (US.Patent.App. Publication 20020100036).

As to claim 14, Moshir anticipates the claimed invention by disclosing a information handling system (update server 528) comprising:

A computer-usable medium (par. 124 describing the survey information being stored at the update server);

A predefined set of valid device attributes stored in the computer-usable medium (pars. 124 and 126 recommended configuration as "valid device attributes");

A network interface in communication with a network of devices (par. 54);

Processing resources in communication with the network interface and the computer-usable medium (par. 54 update server inherently teaches a processor/processing resource), wherein the processing resources perform operations comprising:

Receiving user input requesting a validation process (pars. 125-126);

In response to the user input, automatically communicating with the devices via the network interface to discover attributes of the devices (pars. 125-126 and 167 administrator designates a group of machines);

Automatically comparing the discovered attributes with the predefined set of valid device attributes (pars. 82-82, 124 and 126 evaluator at update server comparing current configuration/discovered attributes with recommended configuration/valid device attributes; claim 1 gathering and comparing steps);

Generating output data that indicates whether the discovered attributes match the valid device attributes (par. 127 proposed update list as "output data").

As to claim 15, Moshir further teaches a system wherein the processing resources generate output data that identifies an invalid attribute among the discovered attributes and a corresponding valid attribute from the predefined set of valid device attributes (par. 88 report indicating the computers needing the patch and the computers that can't receive the patch until ... software is upgraded).

As to claim 16, Moshir further teaches a system wherein the predefined set of valid device attributes specifies valid software versions and the discovered attributes are software versions (par. 53, particularly lines 4-6). Moshir therefore teaches a system wherein the predefined set of valid device attributes; the processing resources automatically discover version information for software in one or more of the devices; and the processing resources automatically compare the discovered version information with the valid software versions (par. 124 & 126).

As to claim 17, Moshir further teaches wherein the software in at least one of the one or more devices comprises firmware, and the processing resources automatically determine whether the firmware has a valid version (par. 126).

As to claim 18, Moshir further teaches wherein: the processing resources automatically identify a device type for at least one of the devices; the processing resources dynamically load a validation module based on the identified device type; and the processing resources automatically use the validation module to poll the at least one device (par. 126-128).

As to claim 19, Moshir further teaches further comprising: a file that uses a markup language to encode the valid device attributes, wherein the processing resources automatically determine the valid device attributes by reference to the file with the valid device attributes (par. 189).

As to claim 20, Moshir further teaches wherein: the file with the valid device attributes comprises an extensible markup language (XML) file; the information handling system further comprises a document type definition (DTD) file that contains definitions of data elements for validating the network; and the processing resources automatically determine the valid device attributes by using the DTD file to parse the XML file (par.189, 314-331).

As to claim 21, Moshir further teaches wherein the processing resources comprise: one or more processors; and software which, when executed by the one or more processors, cause the one or more processors to perform the operations of receiving user input, automatically communicating with the devices, automatically

comparing the discovered attributes with the predefined set of valid device attributes, and generating output data (par. 48).

As to claims 1- 7, they are method claims corresponding to apparatus claims 14- 21 and are rejected for the same reasons.

As to claims 8- 13, they are computer program product claims corresponding to apparatus claims 14- 21 and are rejected for the same reasons.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Caldwell Andrew, can be reached on (571) 272-3868. The fax phone number is (571)-273-3897.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 273-8300.

Hieu Le



ANDREW BALDWELL
GROUP RECEPTIONIST EXAMINER